

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition (Stamp) NO.30454 OF 2019

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WITH

Interim Application No.1 of 2019

IN

Writ Petition (Stamp) NO.30454 OF 2019

Chandrashekhar Ambaji Gurram
And Anr

...Petitioners

Versus

Samarth Sahakari Bank Ltd.
And Ors

...Respondents

....

Mr. V.S. Tadke a/w. Madhukar Yelutta, Advocate for the Petitioners.
Mr.A.S. Kulkarni, Advocate for Respondent No.1.
Mr. S.H. Kankal, AGP, for Respondent No.9 – State.

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**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 16th JANUARY, 2020

P.C.

1. Heard learned Counsel for the parties.
2. By this Writ Petition under Article 226 of the Constitution of India, the petitioners are challenging the auction notice dated 25.10.2019 published in Marathi Daily “Tarun Bharat” dated 26.10.2019 and the notice dated 2.12.2019 issued by respondent No.1 to petitioner No.2 under Section 107(5)(a) of the Maharashtra Co-operative Societies Act, 1961.

3. During the course of arguments, learned Counsel for the petitioners submit that the main borrower i.e. respondent No.7 submitted the proposal dated 31.12.2019 to the respondent bank that he is ready and willing to clear certain amount by 15.2.2020. Same is taken on record. He submits that if the said proposal is accepted then nothing will survive in the present proceedings.

4. Considering the submissions made by learned Counsel for the petitioners and after going through the papers and proceedings when this Court declined to entertain the present Writ Petition, learned Counsel for the petitioners submits that the petitioners may be permitted to withdraw the present Writ Petition with liberty to proceed with Misc. Application No.150/2019 for condonation of delay in filing Revision Application before the learned Divisional Joint Registrar, Pune on its own merits without being influenced by the order passed by this Court. Same is accepted. To that effect, learned Counsel for the petitioner has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

5. Hence, the following order is passed :

- i. Writ Petition stands dismissed as withdrawn with liberty as prayed for.
- ii. Pending applications, if any, stand dismissed as infructuous.
- iii. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)